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Attorneys for Intervenor-Defendant

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

PORTLAND GENERAL ELECTRIC  
COMPANY, an Oregon corporation,

Plaintiff,

v.

STATE OF OREGON, by and through THE  
OREGON DEPARTMENT OF STATE LANDS,  
and +/- FIVE ACRES OF UNIMPROVED  
LAND ALONG THE WILLAMETTE RIVER  
NEAR WEST LINN, OREGON,

Defendants,

and

**Case No.: 3:22-CV-00533-SI**

**JOINT MOTION TO MODIFY  
CASE MANAGEMENT  
SCHEDULE**

CONFEDERATED TRIBES OF THE GRAND  
RONDE COMMUNITY OF OREGON, a  
federally-recognized Indian tribe,

Intervenor-Defendant.

### **LR 7.1 CERTIFICATION**

In accordance with LR 7-1, Plaintiff (PGE) and Intervenor-Defendant Confederated Tribes of the Grand Ronde Community of Oregon (“Grand Ronde”) have conferred regarding this Motion and jointly request that the Court amend the Case Management Schedule as proposed below. The State of Oregon takes no position on an extension of the discovery deadline.

### **MOTION**

Pursuant to Fed. R. Civ. P. 16 and LR 16-3(a), the parties jointly move the Court to amend the fact discovery deadline as well as the deadline for the filing, response, and replies to dispositive motions as follows:

<b>Activity</b>	<b>Current Deadline</b>	<b>Requested Deadline</b>
Fact Discovery Deadline	June 16, 2023	July 10, 2023
Dispositive Motions	July 17, 2023	August 1, 2023
Responses to Dispositive Motions	August 17, 2023	September 1, 2023
Replies to Dispositive Motions	August 31, 2023	September 15, 2023

Intervenor-Defendant and Plaintiff have conferred extensively regarding discovery. Nonetheless, a dispute concerning discovery responses and documents withheld for privilege remain. The purpose of the parties’ joint motion requesting an extension of the fact discovery deadline is to facilitate a discovery conference with Judge Simon to resolve the parties’ dispute as to Plaintiff’s privilege log (and certain documents withheld thereunder), as the parties have been informed by a court clerk that Judge Simon is not available for such a conference until the

first week of July. The parties have agreed that no new discovery requests will issue in any form, and that the additional time would be used for the sole purpose of resolving: (1) the parties' dispute over the privilege log dispute (and certain related documents withheld); and (2) two other open discovery issues between the parties relating to Plaintiff's response to Intervenor-Defendant's second set of interrogatories and Plaintiff's document production. The parties further contemplate the possibility of revisiting the discovery schedule with the Court at the discovery conference: (a) in the event the Court directs production of documents that Plaintiff has withheld as privileged (such that in fairness further discovery around such materials may be appropriate); (b) in connection with any subsequent motion to compel authorized by the Court; or (c) to facilitate any process the Court may order at the conference, such as the possibility of in camera review.

This request for an extension of the discovery deadline is made in good faith and not for purposes of delay. The proposed change to the fact discovery deadline will affect the current deadlines for filing and responding to dispositive motions. Accordingly, the parties also request that the Court extend the deadlines for filing of and the responses and replies to dispositive motions as set out in the table above.

Dated: June 15, 2023.

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/s/ Erick J. Haynie

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